

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND  
(Baltimore)**

**FILED**  
U.S. DISTRICT COURT  
DISTRICT OF MARYLAND

2005 AUG -2 A 9:48

In re:

The Arbitron Company

Plaintiff

vs.

On Top Communications, LLC

Defendant

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\*  
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\*  
\*  
\*  
\*  
\*

Case No. 02-MC-312  
AT 1  
BY

JOSE  
DEPUTY

**SUGGESTION OF BANKRUPTCY**

Please be advised that the Defendant, On Top Communications, LLC, filed a Chapter 11 bankruptcy case in the United States Bankruptcy Court for the District of Maryland located in Greenbelt, Maryland on July 29, 2005. The bankruptcy case number is 05-27037. A copy of the Petition pages are attached to this Suggestion.

Please stay all actions in this pending case as to Defendant, On Top Communications, LLC pursuant to the automatic stay provisions of Section 362 of the U.S. Bankruptcy Code.

Thank you for your cooperation in this matter.

Date: August 1, 2005

By: Thomas L. Lackey  
Thomas L. Lackey, Esq.  
Bankruptcy Attorney for  
On Top Communications, LLC  
4201 Northview Drive, Suite 407  
Bowie, MD 20716  
Telephone: 301-390-6400

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Certificate of Service was mailed, postage prepaid, on August 1, 2005 to Severn E.S. Miller, Esq., attorney for Plaintiff, Thomas & Libowitz, 100 Light St., Suite 1100, Baltimore, MD 21202.

Thomas L. Lackey  
Thomas L. Lackey

(Official Form 1) (12/03) West Group, Rochester, NY

FORM B1		United States Bankruptcy Court District of <u>MARYLAND</u>		<b>Voluntary Petition</b>																	
Name of Debtor (If individual, enter Last, First, Middle): <b>On Top Communications, LLC, a Corporation</b>			Name of Joint Debtor (Spouse)(Last, First, Middle):																		
All Other Names used by the Debtor in the last 6 years (include married, maiden, and trade names): <b>NONE</b>			All Other Names used by the Joint Debtor in the last 6 years (include married, maiden, and trade names):																		
Last four digits of Soc. Sec. No./Complete EIN or other Tax I.D. No. (If more than one, state all): <b>37-1428175</b>			Last four digits of Soc. Sec. No./Complete EIN or other Tax I.D. No. (If more than one, state all):																		
Street Address of Debtor (No. & Street, City, State & Zip Code): <b>4601 Presidents Drive Suite 150 Lanham MD 20706</b>			Street Address of Joint Debtor (No. & Street, City, State & Zip Code):																		
County of Residence or of the Principal Place of Business: <b>Prince George's</b>			County of Residence or of the Principal Place of Business:																		
Mailing Address of Debtor (If different from street address): <b>SAME</b>			Mailing Address of Joint Debtor (If different from street address):																		
Location of Principal Assets of Business Debtor (If different from street address above): <b>SAME</b>																					
<b>Information Regarding the Debtor (Check the Applicable Boxes)</b>																					
<b>Venue</b> (Check any applicable box) <input checked="" type="checkbox"/> Debtor has been domiciled or has had a residence, principal place of business, or principal assets in this District for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other District. <input type="checkbox"/> There is a bankruptcy case concerning debtor's affiliate, general partner, or partnership pending in this District.																					
<b>Type of Debtor</b> (Check all boxes that apply) <input type="checkbox"/> Individual(s) <input checked="" type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Other _____ <input type="checkbox"/> Railroad <input type="checkbox"/> Stockbroker <input type="checkbox"/> Commodity Broker <input type="checkbox"/> Clearing Bank			<b>Chapter or Section of Bankruptcy Code Under Which the Petition is Filed</b> (Check one box) <input type="checkbox"/> Chapter 7 <input checked="" type="checkbox"/> Chapter 11 <input type="checkbox"/> Chapter 13 <input type="checkbox"/> Chapter 9 <input type="checkbox"/> Chapter 12 <input type="checkbox"/> Sec. 304 - Case ancillary to foreign proceeding																		
<b>Nature of Debts</b> (Check one box) <input type="checkbox"/> Consumer/Non-Business <input checked="" type="checkbox"/> Business			<b>Filing Fee</b> (Check one box) <input checked="" type="checkbox"/> Full Filing Fee attached <input type="checkbox"/> Filing Fee to be paid in installments (Applicable to individuals only) Must attach signed application for the court's consideration certifying that the debtor is unable to pay fee except in installments. Rule 1006(b). See Official Form No. 3.																		
<b>Chapter 11 Small Business</b> (Check all boxes that apply) <input type="checkbox"/> Debtor is a small business as defined in 11 U.S.C. § 101 <input type="checkbox"/> Debtor is and elects to be considered a small business under 11 U.S.C. § 1121(e) (Optional)																					
<b>Statistical/Administrative Information</b> (Estimates only) <input type="checkbox"/> Debtor estimates that funds will be available for distribution to unsecured creditors. <input checked="" type="checkbox"/> Debtor estimates that, after any exempt property is excluded and administrative expenses paid, there will be no funds available for distribution to unsecured creditors.																					
<b>Estimated Number of Creditors</b> <table style="width: 100%; text-align: center;"> <tr> <td>1-15</td> <td>16-49</td> <td>50-99</td> <td>100-199</td> <td>200-999</td> <td>1000-over</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </table>						1-15	16-49	50-99	100-199	200-999	1000-over	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
1-15	16-49	50-99	100-199	200-999	1000-over																
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																
<b>Estimated Assets</b> <table style="width: 100%; text-align: center;"> <tr> <td>\$0 to \$50,000</td> <td>\$50,001 to \$100,000</td> <td>\$100,001 to \$500,000</td> <td>\$500,001 to \$1 million</td> <td>\$1,000,001 to \$10 million</td> <td>\$10,000,001 to \$50 million</td> <td>\$50,000,001 to \$100 million</td> <td>More than \$100 million</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </table>						\$0 to \$50,000	\$50,001 to \$100,000	\$100,001 to \$500,000	\$500,001 to \$1 million	\$1,000,001 to \$10 million	\$10,000,001 to \$50 million	\$50,000,001 to \$100 million	More than \$100 million	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
\$0 to \$50,000	\$50,001 to \$100,000	\$100,001 to \$500,000	\$500,001 to \$1 million	\$1,000,001 to \$10 million	\$10,000,001 to \$50 million	\$50,000,001 to \$100 million	More than \$100 million														
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\$0 to \$50,000	\$50,001 to \$100,000	\$100,001 to \$500,000	\$500,001 to \$1 million	\$1,000,001 to \$10 million	\$10,000,001 to \$50 million	\$50,000,001 to \$100 million	More than \$100 million														
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>														
THIS SPACE IS FOR COURT USE ONLY																					

Official Form (2003) West Group, Rochester, NY

**Voluntary Petition**

(This page must be completed and filed in every case)

Name of Debtor(s):

FORM B1, Page 2

**On Top Communications, LLC,  
a Corporation****Prior Bankruptcy Case Filed Within Last 6 Years (If more than one, attach additional sheet)**

Location Where Filed:

**NONE**

Case Number:

Date Filed:

**Pending Bankruptcy Case Filed by any Spouse, Partner or Affiliate of this Debtor (If more than one, attach additional sheet)**

Name of Debtor:

**NONE**

Case Number:

Date Filed:

District:

Relationship:

Judge:

**Signatures****Signature(s) of Debtor(s) (Individual/Joint)**

I declare under penalty of perjury that the information provided in this petition is true and correct.

[If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under chapter 7] I am aware that I may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7.

I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.

**X**

Signature of Debtor

**X**

Signature of Joint Debtor

Telephone Number (If not represented by attorney)

Date

**Exhibit A**

(To be completed if debtor is required to file periodic reports (e.g., forms 10K and 10Q) with the Securities and Exchange Commission pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 and is requesting relief under Chapter 11)

☒ Exhibit A is attached and made a part of this petition**Exhibit B**

(To be completed if debtor is an individual whose debts are primarily consumer debts)

I, the attorney for the petitioner named in the foregoing petition, declare that I have informed the petitioner that [he or she] may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, and have explained the relief available under each such chapter.

**X**Thomas L. Lackey 7/29/2005  
Signature of Attorney for Debtor(s) Date**Exhibit C**

Does the debtor own or have possession of any property that poses or is alleged to pose a threat of imminent and identifiable harm to public health and safety?

☐ Yes, and exhibit C is attached and made a part of this petition.  
☒ No**Signature of Attorney****X /s/ Thomas L. Lackey**

Signature of Attorney for Debtor(s)

Thomas L. Lackey 09191

Printed Name of Attorney for Debtor(s)

Thomas L. Lackey, Esq., LLC

Firm Name

4201 Northview Drive

Address

Suite 407Bowie MD 20716301-390-6400

Telephone Number

7/29/2005

Date

**Signature of Non-Attorney Petition Preparer**

I certify that I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110, that I prepared this document for compensation, and that I have provided the debtor with a copy of this document.

Printed Name of Bankruptcy Petition Preparer

Social Security Number

Address

Names and Social Security numbers of all other individuals who prepared or assisted in preparing this document:

If more than one person prepared this document, attach additional sheets conforming to the appropriate official form for each person.

**X**

Signature of Bankruptcy Petition Preparer

Date

A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both 11 U.S.C. § 110; 18 U.S.C. § 156.

**Signature of Debtor (Corporation/Partnership)**

I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor.

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

**X /s/ Steve Hegwood**

Signature of Authorized Individual

Steve Hegwood

Printed Name of Authorized Individual

CEO

Title of Authorized Individual

7/29/2005

Date

**Open New Bankruptcy Case****Fee: \$839****U.S. Bankruptcy Court****District of Maryland****Notice of Bankruptcy Case Filing**

The following transaction was received from Thomas L. Lackey entered on 7/29/2005 at 3:52 PM EDT and filed on 7/29/2005

**Case Name:** On Top Communications, LLC

**Case Number:** 05-27037

**Document Number:** 1

**Docket Text:**

Chapter 11 Voluntary Petition, Schedules A-J & Statement of Financial Affairs Fee Amount \$ 839 filed by Thomas L. Lackey on behalf of On Top Communications, LLC . Chapter 11 Plan due by 11/28/2005. Disclosure Statement due by 11/28/2005. Government Proof of Claim due by 1/25/2006. (Lackey, Thomas)

The following document(s) are associated with this transaction:

**Document description:**Main Document

**Original filename:**f:\apps\bankwin\\_PDFTemp\caselist\ON TOP COMMUNICATIONS LLC\Petition.PDF

**Electronic document Stamp:**

[STAMP bkecfStamp\_ID=1013806484 [Date=7/29/2005] [FileNumber=6175867-0]  
] [1250f00cab28e7b69033c9939ea97ea44402b4433a87333018f903fb7d8bc369d7f  
91d96f312926a9617c3ad5e84391e3f616c3dc9627c7e1fdd387ac7f9f233]]

**05-27037 The following parties will be notified by electronic mail only. No paper copy will be mailed:**

Thomas L. Lackey thomas.lackey@mobroslaw.com

**05-27037 The following parties will not receive notice by electronic mail:**